whether in writing or not, for the sale or purchase of property, with or without alternative claims for damages,... the plaintiff may (whether the defendant has appeared or not), on affidavit made by himself or by any other person who can swear positively to the facts, verifying the cause of action and stating that in his belief there is no defence to the action, apply to the Court or a Judge for judgment and the Court or Judge may thereupon give judgment in the action unless the defendant by affidavit, or by his own viva voce evidence or otherwise, satisfies the Court or Judge that he has a good defence to the action on the merits, or discloses facts sufficient, in the opinion of the Court or Judge, to entitle him to defend."

Counsel for the appellants submitted that the non-compliance in the instant case constituted a fundamental defect and not a mere irregularity. And that being so the defect was not curable. Counsel for the respondents, however, argued that in the light of Order 70, which was in force at the relevant time, the non-compliance with any of the rules ought not to have rendered the proceedings void unless the Court or a Judge had otherwise directed. Rule 70 of the R.S.C. 1957 applied only to cases in which there was non-compliance of any provisions of these rules or other rules of practice. In this regard a distinction has to be drawn between an irregularity and a nullity. It is not important today as the distinction is now discarded under the new Rules of the High Court. For this reason we consider the effect of such non-compliance only for purposes of this appeal.

It is to be observed that the effect of the rule was to disentitle the respondents from entering default judgment on a writ specially indorsed for specific performance. They were to proceed in the manner provided by the Rules and that was to set down the action on motion for judgment. It was only on the further step being taken that it was open for the Court or Judge to consider giving judgment as upon the claim the Court or Judge should consider the respondents to be entitled. At that point of time therefore judgment in default was not only given in breach of rule 12 but had resulted in a failure to comply with rule 11 of Order 27. In the circumstances we are constrained to hold that the breach and the non-compliance were not merely irregularities but fundamental defects. The fundamental defect was not, in our view, curable as the effect of the breach and non-compliance was to defeat the right of the other party to the action.

It was provided under Order 70 rule 2 that "an application to set aside for irregularity any proceedings, any step taken in any proceedings or any document, judgment or order therein shall not be allowed unless it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity."

As can be seen, there was no unreasonable delay. The appellants clearly took steps to apply to set aside the judgment in default as soon as they became aware of it. For this reason, we form the view that they had made the application within a reasonable time.

Finally, we refer to the respondents' contention that since the order had been perfected, it was therefore too late to set aside the default judgment. Counsel pointed out that the land had been transferred to the respondents and registered.

We do not see the merit in the argument for, in our view, this could only apply to the Court below when a party seeks to set aside an order which has been perfected and completed. In that event the Court may be precluded from doing so as the jurisdiction of the Judge over it has come to an end. (See *Re Harrison's Share Under A Settlement.*)[1] This Court however is not precluded from exercising its inherent power to set aside a default judgment if it should decide that respondents were disentitled to the order.

For these reasons we would allow the appeal and set aside the order for judgment in default. Further proceedings would follow as if the appellants had appeared to the writ. Costs to the appellants. Deposit to be refunded to the appellants.

Appeal allowed.

Solicitors: *Lim & Teng; Gan & Lim.*

AHMAD NORDIN BIN HAJI MASLAN & ANOR. v. ENG NGAK HUA & ORS.

[S.C. (Lee Hun Hoe C.J. (Borneo), Seah & Syed Agil Barakbah S.C. JJ.) October 30, 1984 & May 31, 1985]

[Kuala Lumpur – Federal Court Civil Appeal No. 125 of 1984]

Tort – Negligence – Lorry left unlighted on dark road – Motor car crashing into rear of lorry – Liability – Damages.

The first appellant in this case was the driver of a lorry fully laden with padi. While driving the lights of the lorry

suddenly went off and its engine stalled. The lorry was parked in the middle of the road. The first respondent drove a car with two passengers and crashed into the rear of the stationary lorry resulting in the death of the front seat passenger and injuries to the first respondent and the other passenger. The learned trial judge found that the first appellant and the first respondent were equally liable for the negligence. The appeal was against liability and the quantum of damages awarded to the dependants of the deceased passenger.

Held: (1) the facts and circumstances in this case in relation to the motor lorry showed that it had taken almost the whole of its side of the road without the fault of the first appellant who had attempted to do something to warn approaching vehicles of the presence of the lorry, for example, by placing the triangular reflector behind the lorry. The failure to take sufficient precaution by not leaving any warning light at the rear was the only duty which he had failed to do at the material time;

(2) on the other hand the first respondent's failure to take sufficient look-out in order to avoid an accident happened while he was in charge of a moving vehicle carrying passengers. He has in the circumstances a higher duty to take care than that is required of a driver of a stationary lorry blocking part of the highway;

(3) the first respondent motor car driver should be more to blame for negligence than the first appellant and liability should be apportioned as 70% on the part of the first respondent and 30% on the part of the first appellant;

(4) in this case the sum of $800/- per month awarded by the learned trial judge in calculating the loss of the estate of the deceased was fair and reasonable. However the learned trial judge was in error in giving the multiplier of 25 years purchase, based on the probable retiring age of 65 years. The retiring age should be fixed at 55 and as the deceased was 24 at the time of his death and deducting 13 years for contingencies that would leave 18 years purchase;

(5) the dependants of the deceased are entitled to the whole of the amount of damages, although the liability has been apportioned between the first appellant and the first respondent. This is in accordance with the fundamental principle in the law of damages where the injury committed on the plaintiff by more than one tortfeasor is one and indivisible.

Cases referred to:

(1) *Hill-Venning* v. *Beszant* [1950] 2 All E.R. 1151.
(2) *Moore* v. *Maxwells of Emsworth Ltd. & Anor.* [1968] 2 All E.R. 779, 782.
(3) *Lai Chi Kay* v. *Lee Kuo Shin* [1981] 2 M.L.J. 167, 171.
(4) *Lai Wee Lian* v. *Singapore Bus Services (1978) Ltd.* [1984] 1 M.L.J. 325.
(5) *Murtadza bin Mohamed Hassan* v. *Chong Swee Pian* [1980] 1 M.L.J. 216, 218.
(6) *K. Ratnasingam* v. *Kow Ah Dek & Anor.* [1983] 2 M.L.J. 297, 301.
(7) *Graham* v. *Dodds* [1983] 1 W.L.R. 808, 809.
(8) *Dingle* v. *Associated Newspapers* [1961] 2 Q.B. 162, 188, 189.
(9) *Oli Mohamed* v. *Keith Murphy & Anor.* [1969] 2 M.L.J. 244, 245.

SUPREME COURT.

Manjeet Singh Dhillon for the appellant.
M. Segaram for the respondents.

Cur. Adv. Vult.

Syed Agil Barakbah S.C.J. (delivering the judgment of the Court). This is an appeal by the two appellants (defendants in the action) and a cross-appeal by the first respondent (first plaintiff in the court below) from the judgment of the learned judge of the High Court, Kuala Lumpur, over a case arising out of a road accident. The learned judge found the first appellant who was the driver of motor lorry WM 2093 and the first respondent the driver of motorcar BBG 7988 equally liable for negligence in having been involved in a collision between the said car and the rear of the said stationary lorry while the former was travelling along Jalan Sekinchang/Sungai Besar road towards Kuala Selangor. The appeal was against liability and quantum of damages and the cross-appeal was against liability and the apportionment thereof.

In the proceeding in the Court below, it was not disputed that the first plaintiff was the driver of the motorcar at the time of the accident and the second plaintiff was a passenger occupying the rear seat directly behind him. The other passenger who sat in the front seat next to the driver was one Chia King Chong, a 24-year old male Chinese, a butcher by profession, who was killed as a result of the accident. The third to the eighth plaintiffs who were his widow, three children and parents respectively claimed damages for loss of dependency under section 7 of the Civil Law Ordinance, 1956.

According to the facts accepted by the learned judge, the first respondent with the two passengers drove the car leaving Kelang at about11.00 p.m. on June 29, 1982 on their way home to Sungai Besar. The first appellant at almost the same time left Sekinchang for Sungai Besar driving the lorry which was fully laden with padi. The attendant sat next to him in the driver's cabin. On arrival at Sg. Simpang Lima along a straight stretch of road the lights of the lorry suddenly went off and its engine stalled thereby compelling the first appellant to park the lorry right in the middle of his side of the road with the near-side front and rear tyres about 8 inches away from the left edge of the road and the off-side front and rear tyres about 6 inches from the centre white line. It was about that juncture that the first respondent arrived at the scene in the car which crashed into the rear of the stationary

lorry resulting in the death of the front-seat passenger and injuries to both the first and second respondents. They alleged that the accident occurred solely because of the negligence of the first appellant who was at the material time the driver of the said lorry and an agent or servant of the second appellant. That the first appellant by leaving the said lorry parked in such a manner as to almost completely block the passage on its side of the dark road without any rear lights and without giving due warning to approaching traffic of the presence of the lorry on the road caused it to become a danger to persons lawfully using the said road and was thereby solely liable for negligence or alternatively committed a nuisance on the highway. The alternative allegation was also dealt with by the learned Judge, but is not the subject of this appeal.

Liability

It is appropriate in our view to consider the question of liability which formed the subject-matter of the main dispute between the parties. The appellants alleged that the trial judge erred in law and in fact in holding that they were 50% liable while the respondents maintained that the appellants were either wholly to be blamed for the accident or alternatively be held liable to a greater extent of liability than 50% as found by the learned Judge.

The learned Judge applied the correct test in considering a case of this nature by quoting the proposition given by Denning L.J. (as he then was) in *Hill-Venning* v. *Beszant.*[1] Indeed, it is a rule of common sense that any unlighted obstacle on a highway at night time is a danger to traffic. The presence of an unlighted vehicle on a road is *prima facie* evidence of negligence on the part of the driver. When an accident happens because of the obstacle, it is for him to explain how the vehicle came to be unlighted and why he could not move it out of the way or give warning to approaching traffic. It is his duty to show that he has taken all reasonable precautions to prevent danger to other traffic. (See also Diplock L.J. in *Moore* v. *Maxwells of Emsworth, Ltd. & Anor.*[2])

In *Hill-Venning,* the defendant motor cyclist had to stop on the highway because the lighting system of his motorcycle failed. He parked it on his side of the road covering about three feet. He did not move the vehicle to the grass verge, but tried to change the bulb of the headlamp thinking that it would take a short while. On finding that the fault was with the wiring, he started to repair it when the plaintiff motorcyclist approached from the rear with lights dipped. He failed to observe the defendant's stationary motorcycle and collided with it. It was not disputed that the plaintiff had been negligent. In the court of first instance on the question whether the defendant was also guilty of negligence, Parker J. held that he did not contribute to any negligence at all. On appeal, it was held that the defendant by failing to remove his motorcycle off the highway had not taken all reasonable precautions to prevent danger to other traffic. He was found to be also negligent and apportionment of two-thirds negligence to the plaintiff and one-third to the defendant was made. The facts in *Moore's case* are quite similar to the appeal before us. The accident involved a lorry with trailer which stopped on the highway on a dark night to enable the driver to check the tail light of the trailer and a lorry chassis whose driver did not keep a proper lookout drove it violently into the trailer. The lorry driver found the connecting plug on the lorry faulty and fused all the lights of the trailer in order to repair it. He sent the attendant to stand at the rear of the trailer to warn oncoming traffic while he carried on repair in the driver's cab with the aid of a light in the cab. It was at that moment that the chassis collided into the trailer. The Court of Appeal agreed with the trial judge that the lorry driver and owners had taken all the necessary steps to avoid creating or prolonging the danger caused by the stationary unlit lorry and had thereby rebutted the presumption of negligence arising from its presence unlighted on the unlit road.

There are a number of similarities in that case as in the present appeal that the judge had taken into consideration, *viz;*–

(1) There was a sudden and unforeseeable failure of the lighting system and the engine system that caused the driver of the lorry to stop on the road. Although there was the grass verge on the left wide enough for the lorry to be parked, there was sufficient corroborative evidence as accepted by the Judge that the ground was soft and the lorry being heavily laden would overturn in the soft ground. A crane would be needed to pull it out to the road again. The lorry carrying padi was naturally too heavy to be pushed, and because the engine had stalled and could not be started, there was no possibility for the driver to drive it to the verge even if the verge was dry and hard.

(2) There was also evidence that the first appellant checked the lights of the lorry and found them to be in order before leaving Sekinchang that night. There was no indication that they would malfunction. He had a similar experience prior to that with the lights, had them repaired and had been night-driving the vehicle thereafter for about a month before the accident with-

out any problem. The Judge rightly remarked that the fact the wires got burnt again could not be held against him as the first appellant was not in a position to detect the probability of a recurrence.

(3) The learned judge also accepted the evidence of the first appellant that he had placed a triangular reflector about 50 yards behind the lorry in order to warn traffic approaching from the rear. She found support from the relevant facts and circumstances of the case and we have no ground to disagree.

There are in our view two glaring distinguishing factors in the present appeal.

In the first place, the learned judge found that the attendant was not flashing a torchlight at the rear of the lorry to warn approaching vehicles but was standing on the near-side front of the lorry flashing the light to the engine compartment where the first appellant was engrossed in attempting to repair the burnt wires. There was material inconsistency as observed by the judge between the testimonies of the two with regard to the time taken in the repair job. There is of course a big difference between ten minutes and forty minutes. The first appellant had in all probability taken a longer time than expected to attend to the repair. Unlike *Moore's case* where the driver lit the cabin light to assist him in the repairs, the first appellant claimed to have been working in the dark, a task impossible for any reasonable man to perform, even a well trained mechanic. If the attendant had flashed the torchlight from the rear of the lorry as claimed, there was no reasonable ground for the first respondent or any of the passengers in the car not to have noticed it. We agree with respect with the learned judge's finding that there were no lights placed at the rear of the stationary lorry to indicate its position to warn approaching vehicles. We do not consider the placing of the triangular reflector by itself sufficient precaution to forewarn any oncoming vehicle of the danger that lies ahead in the darkness even if placed at the statutory distance of 150 feet That is the reason for the requirement of an emergency light to be placed vide L.N. 165/1959 of the Road Traffic Ordinance, Para. 42 which says:

"Do not leave your vehicle without lights on a dark road at night. If your lights fail, move your car off the roadway as quickly as possible or obtain some emergency light to indicate its position."

The above may appear advisory but has since been put into practice and is certainly a good and essential practice which we would like to stress. It is necessary that every vehicle in particular motor lorries which travel at night carrying goods to carry at least a portable emergency light bright enough to satisfy the very purpose apart from carrying a triangular reflector. These lamps are easily obtainable and are not so expensive as to over-tax lorry owners. For these reasons, we agree with the learned judge's conclusion that the first appellant had not taken all steps necessary to warn approaching vehicles of the presence of his stationary lorry and to that extent he had failed to rebut the presumption of negligence. Clearly he was liable for such negligence.

In considering the extent of the first respondent's liability, the judge took into account that he was the driver of the car responsible for knocking into the rear of the stationary lorry resulting in the death of the deceased and injuries to himself and his other passenger. It was submitted that the judge had arrived at a wrong inference. She considered the manner in which the first respondent drove his car, the absence of any tell-tale brake marks on the road, that he was blinded by the headlights of an oncoming vehicle after he had dipped the car's lights and the presence of broken pieces of the triangular reflector found close to the stationary lorry. These she concluded raised an irresistible inference that he had been speeding in excess of 50 m.p.h. and had failed to slow down. In as much as we might not agree with the inference that the first respondent could have been proceeding in excess of 50 m.p.h., we are of the view that even if he had slowed down the speed was still too fast and insufficient in the circumstances to enable him to keep a proper lookout and to avoid colliding into the triangular reflector and the rear of the stationary lorry. It was clear that if he was blinded by the oncoming lights, he should have stopped his car because he could not see well enough to notice the lorry in time to avoid colliding into it. In our considered judgment, he had still failed to keep a proper look-out and must also be held liable for the accident.

The next point relates to the apportionment of liability. As stated earlier, the Judge held that both were equally to blame for the accident and apportioned it to 50-50. It is not appropriate in our view to use on reported cases as guidelines since there is no fixed formula on which apportionment can be worked on. All depends on the discretion of the trial judge and has to be considered in the light of the facts and circumstances of a particular case. It is therefore a question of fact. The learned Judge unfortunately gave no reason for her conclusion of equal liability on both parties. The trend of cases may show that in cases of road

accident involving lorries and smaller vehicles, generally the driver of a bigger and heavier vehicle should bear a bigger portion of the blame than their counterpart in the smaller vehicle. In the present appeal, the facts and circumstances in relation to the motor lorry showed that it had taken almost the whole part of its side of the road of course without the fault of the first appellant who had attempted to do something to warn approaching vehicles of the presence of his lorry *e.g.* by placing the triangular reflector behind the lorry. The failure to take sufficient precaution by not leaving any warning light at the rear was the only duty which he had failed to do at the material time. On the other hand, the first respondent's failure to take sufficient lookout in order to avoid an accident happened while he was in charge of a moving vehicle carrying passengers. It is our considered judgment that in the circumstances he has a higher duty to take care than that is required of a driver of a stationary lorry blocking part of the highway.

For that reason we are of the considered judgment that the first respondent motorcar driver should be more to blame for negligence than the first appellant. We apportion the liability to 70-30, *i.e.* 70% on the part of the first respondent and 30% on the part of the first appellant.

Quantum

The next ground relates to the quantum of damages awarded to the dependants of the deceased Chia King Chong who was killed as a result of the accident. The attack was on two points *viz.*, (1) the award of $800/- per month as the monthly earning of the deceased in his lifetime being excessive and unreasonable and (2) the multiplier of 25 years purchase in calculating the loss to the estate of the deceased being wrong in law and in fact. With regard to (1), we are satisfied that the sum of $800/- per month is both fair and reasonable. In the absence of satisfactory proof of earnings as is common in a case of this nature involving household expenses for the family, the evidence of the widow and other supporting evidence had to be relied on. The widow gave a detailed expenditure which appear to be inflated. However, in the light of the evidence of two other witnesses (P.W.3 and P.W.4), the former being the ex-employer of the deceased, we do not think the Judge was wrong in accepting the sum that the deceased had been paid by P.W.3 as being a reasonable amount sufficient to maintain a family of six people. The amount should exclude the expenses of the deceased in the household during his lifetime.

It is with regard to the second point that we cannot agree. In obtaining the multiplier of 25 years purchase, the learned Judge fixed 65 years as the probable retiring age as the deceased was a self-employed man. We are of the view that this is excessive. There are authorities showing that 55 years have been accepted as the retiring age. (*Lai Chi Kay* v. *Lee Kuo Shin*).[3] In *Lai Wee Lian* v. *Singapore Bus Service (1978) Ltd.*[4], it was agreed that the age of 55 is regarded as the normal retiring age for men and women in Singapore. A similar retiring age limit was accepted by this Court in *Murtadza bin Mohamed Hassan* v. *Chong Swee Pian*[5] and by the Privy Council in *K. Ratnasingam* v. *Kow Ah Dek & Anor.*[6] A review of our local cases for loss of future earnings shows a disposition towards 55 years as being more common. We adopt the same view and take the deceased's working life as ending at 55. He was 24 at the time of his death and deducting 13 years for contingencies that would leave 18 years purchase. We bear in mind that the dependants will be getting a lump sum as damages, the children will reach their age of majority and the parents in the normal course of event might pass away within this period. We prefer to use the Annuity Table rather than by direct calculation and consider 18 years as multiplier for this purpose in no way excessive but reasonable. The appropriate multiplier to be used with the Tables ought to be higher than the multiplier using the English system of direct calculation. (See *Graham* v. *Dodds*[7] and *Lai Wee Lian* v. *Singapore Bus Ltd.* (P.C. (*supra*) page 70.) At $800/- per month for 18 years, the sum of $112,000/- (quoting a round figure) is in our view justifiable and we award the said sum accordingly. The award by the learned Judge is set aside.

Apportionment

The amounts to be apportioned among the dependents are as follows:-

(1) Widow, Lee Cha Boo, 24 years ...	$ 75,000.00
(2) Daughter, Chia Sio Ying, 6 years.. (born on 17.11.1976)	$ 7,000.00
(3) Son, Chia Kok Khuang, 5 years ... (born on 5.7.1978)	$ 7,000.00
(4) Son, Chia Kok Thong, 2 years ... (born on 22.12.1980)	$ 13,000.00
(5) Father, Chia Ngok Hewi, 52 years..	$ 5,000.00
and	
(6) Mother, Tan Suang Kiow, 50 years.	$ 5,000.00
	$112,000.00

Of this amount, only the pre-trial loss from June 29, 1982 the day of the accident to April 25, 1984 the day of judgment amounting to $16,800/- shall bear interest at the rate of 3% per annum.

We apportion to the widow about two-thirds of the amount because she has to look after and support the three children and provide them with education and other necessities until they reach the age of majority. We order the share of the children to be deposited with the Public Trustee until they reach the age of majority, with liberty to apply.

With regard to the claim by the first respondent for which general and special damages have been agreed at $9,000/- and $2,120/- respectively based on 100% liability, the amount should be adjusted according to his entitlement of only 30% of the said amount with interest at the usual rate for general and special damages.

In passing, we would like to confirm the view of the learned Judge that the dependants of the deceased, *viz.*, third to the eighth plaintiffs are entitled to the whole amount of damages although the liability has been apportioned between the first appellant and the first respondent. This conclusion is in accordance with the fundamental principle in the law of damages where the injuries committed on the plaintiff by more than one tortfeasor is one and indivisible. The principle is enunciated by Devlin L.J. in *Dingle* v. *Associated Newspapers Ltd.*[8] and adopted in *Oli Mohamed* v. *Keith Murphy & Anor.*[9] dealing with a motor accident claim in Singapore. The respondents are aware of this principle and have pleaded at paragraph 9 of the Statement of Defence that they will seek indemnity and contribution from the first respondent to the extent of the apportionment by the Court of liability between the defendants and the first plaintiff in the event that the defendants are found liable in respect of the second to the eighth plaintiffs respectively. Section 10(1) (c) and section 12(3) of the Civil Law Act 1956 appear to be relevant. Further, the point was not included in the grounds of appeal and was not argued before us.

The appeal is allowed with costs and the cross-appeal by the first respondent is dismissed with costs. The deposit is to be refunded to the appellants.

Appeal allowed;
Cross-appeal dismissed.

Solicitors: *Lawrence Dhillon & Associates Syarikat M. Segaram.*

PUBLIC PROSECUTOR v. RAYMOND CHIA KIM CHWEE & ANOR. ZAINAL BIN HJ. ALI v. PUBLIC PROSECUTOR

[S.C. (Salleh Abas L.P., Wan Suleiman & Hashim Yeop A. Sani S.C. JJ.) August 22, 1983 & June 7, 1985]

[Kuala Lumpur – Federal Court Criminal Reference No. 2 of 1983]

Criminal Law and Procedure – Documents – Application to inspect and take copies of – Whether accused entitled to inspect and take copies of – Whether court can order prosecution to supply copies of – Whether appeal lies from order of court – Charges – Revision – Criminal Procedure Code (F.M.S. Cap. 6), ss. 51, 152, 153, 154, 302 & 316

In this case the respondents had been jointly charged in the Sessions Court for the offence of forgery by using dishonestly a letter of credit for the amount of $2.4 million with a number of specified forged documents. The respondents applied for the inspection of the various documents in the possession of the prosecution including the five documents stated in the charge. In the case of the first respondent his application was in general terms. The second respondent applied for copies of all specified and unspecified documents including the cautioned statement and first information report. They did not indicate under what provisions of the law the orders could be made. The learned President of the Sessions Court did not allow the applications *in toto* but made an order confined only to the inspection of the documents specifically referred to in the charge and documents removed for the possession of the respondents. The Public Prosecutor appealed. The learned Judge of the High Court ([1985] 2 M.L.J. 63) held that the order made by the learned President was not a procedural ruling and that it was a final order and therefore appealable. He held that the respondent's applications were not properly made under section 51(i) of the Criminal Procedure Code and the order of the learned President must be set aside. However he exercised his power of revision and allowed the first part of the order to remain on the ground that the respondents were entitled to further and better particulars of the charge to enable them to prepare their defence and give instructions to their counsel. He therefore ordered that photostat copies of the documents specifically referred to in the charge be supplied by the Public Prosecutor to the respondents. The respondents and the Public Prosecutor in separate notices of motion posed five questions for the opinion of the Supreme Court. The questions were:

(1) Does an appeal lie to the High Court from an order made by a Subordinate Court under section 51 of the Criminal Procedure Code?
(2) Does a person accused of an offence before a Subordinate Court have a right to apply for and obtain an Order under section 51 of the Criminal Procedure Code to inspect and take copies of documents in the possession of the Respondent in connection with or in respect of such offence?
(3) If the answer to question (2) is in the affirmative, then what are the documents which the accused is entitled to inspect and take copies of?
(4) If the answer to question (2) is in the negative, then:–
(a) does an accused person have a right to inspect and take copies of such documents as aforesaid? and
(b) what is the nature and extent of such right?